

REMARKS

Claims 1, 2, 4, 5, and 7 remain pending in this application. Claims 9-11 have been canceled without prejudice or disclaimer.

The indicated allowability of claims 1, 2, 4, 5 and 7 was withdrawn in light of the prior art rejection discussed below, and the finality of the previous Office action was withdrawn.

Claims 1 and 5 have been amended to more clearly point out what applicants regard as their invention by pointing out that when the fine fibers are composed, at least in part, of a polyester, it is prepared by polymerizing an aromatic dicarboxylic acid and a diol. In other words, it is an aromatic polyester as described, for example, at page 20, lines 26-36 of the specification. Accordingly, no new matter has been introduced by these amendments.

Claims 1, 2, 4, 5, 7 and 9-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Perkins et al. (U.S. Patent No. 5,178,932) in view of JP-06-248511 (JP '511). Although Perkins et al. teaches a multilayer nonwoven fabric that may comprise three layers, the Office has recognized that it fails to teach or suggest most of the recited fiber parameters, including crystallinity, bulk density, intrusion index, and solution viscosity. The Office has relied on the teachings of JP '511 to show a biodegradable fabric comprising polyester fibers having a crystallinity of 5-50%, which allegedly falls within the scope of the present claims. Applicants disagree.

The presently claimed invention, as well as the polyester examples of Perkins et al. (col. 6, lines 7-16), require that the polyester fibers are aromatic polyesters. In contrast, JP '511 does not relate to aromatic polyester fibers, but to aliphatic polyester

fibers (paragraphs 0005, 0009, 0010) that are biodegradable. There is no apparent motivation or reason to apply the teachings regarding the crystallinity of the aliphatic polyester fibers of JP '511 to the aromatic polyester fibers of Perkins et al. or the claimed invention. Accordingly, this rejection should be withdrawn.

Interview Summary

Applicants acknowledge, with appreciation, the telephone interview conducted with Examiner Cole on Wednesday, October 27, 2010. The proposed amendment and argument related to the aliphatic polyester fibers taught in JP '511 were discussed. As presently advised, Examiner Cole indicated that the proposed amendment and argument would overcome the rejection.

Prompt and favorable reconsideration is requested.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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